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SAN FRANCISCO COMMISSION
30 Van Ness Avenue, San Francisco 94102 557 - 3686

February 18, 1977

TO: All Commissioners and Alternates
FROM: Charles R. Roberts, Executive Director
SUBJECT: CONFLICT OF INTEREST CODE

Attached is a copy of the Commission's proposed Conflict of Interest Code as submitted to the Fair Political Practices Commission. The Fair Political Practices Commission must now approve the Code, and it must then be filed with the California Secretary of State. It will not become effective until thirty (30) days after filing with the Secretary of State. The staff will advise the members of the Commission and all other designated employees when the Code is to be considered by the Fair Political Practices Commission, and of course, when the Code becomes effective.

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(Pursuant to Government Code Section 11380.1)

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

San Francisco Bay Conservation
and Development Commission

(Agency)

Date of adoption, amendment, or repeal:

January 20, 1977

By:

CHARLES R. ROBERTS

Executive Director

(Title)

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ORDER ADOPTING REGULATIONS OF THE

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Section 66632(f) of the Government Code and Section 87300 of the Government Code, and to implement, interpret, or make specific Chapter 7 (beginning with Section 87100) of Title 9 of the Government Code, the San Francisco Bay Conservation and Development Commission hereby amends its regulations in Division 5 (beginning with Section 10110) of Title 14 of the California Administrative Code as follows:

- (1) Add Chapter 11 to read:

CHAPTER 11. CONFLICT OF INTEREST CODE

11200. Purpose and Effect. (a) These regulations constitute, and shall hereafter be referred to, as the San Francisco Bay Conservation and Development Commission's (hereinafter "the Commission") Conflict of Interest Code. It is adopted to meet the requirements of Chapter 7 (beginning with Section 87100) of the Political Reform Act of 1974 (Government Code Sections 81000-91014), which was enacted by the people of the State of California to achieve the following goals, among others:

(1) Performance by public employees of their duties in an impartial manner from bias caused by their own financial interests; and

(2) Disclosure by public employees of assets and income that may be materially affected by their official actions, and, in appropriate circumstances, disqualification of public employees from acting in order that conflicts of interest may be avoided.

(b) This Code has the force of law and any violation of the Code by a designated employee may subject the employee to the sanctions provided by law.

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(c) This Code supplements Government Code Sections 19251 and 87100, and other laws pertaining to conflicts of interest.

11201. Designated Positions. The positions listed in Section 11208 are designated positions. Persons holding these positions are designated employees and are deemed to make or participate in the making of decisions which may foreseeably have a material effect on a financial interest.

11202. Disclosure Categories. Disclosure categories for designated employees are set forth in Section 11209. Each designated employee shall file an initial, annual, and leaving office statement disclosing that person's interest in investments, real property, income, and management positions designated as reportable under the category to which the person's position is assigned in Section 11209.

11203. Place and Time of Filing. (a) All designated employees required to submit a statement disclosing economic interests shall file the original with the Commission.

(b) Upon receipt of the statements of economic interests of the Commissioners and Executive Director, the Commission shall make and retain a copy and forward the originals of these statements to the Fair Political Practices Commission. Originals of all other statements shall be kept on file with the Commission.

(c) All designated employees shall file an initial statement within thirty (30) days after the effective date of this Code.

(d) Subsequent to the effective date of this Code, each person appointed to the Commission, or as Executive Director thereof, shall file, not less than ten (10) days before assuming office, an initial statement disclosing economic interests. All other persons appointed, promoted, or transferred to designated positions subsequent to the effective date of this Code shall file initial disclosure statements within thirty (30) days after the date of their employment in a designated position specified in Section 11208.

(e) Annual statements disclosing economic interests shall be filed by all designated employees during January of each year.

(f) Each person who leaves a designated position specified in Section 11208 shall file, within thirty (30) days after leaving office, a statement disclosing economic interests.

11204. Contents of Disclosure Statements. (a) Form and Required Information. Disclosure statements shall be made on forms approved by and supplied by the Commission, and shall contain the following information:

(1) Contents of Investment and Real Property Reports. When an investment or an interest in real property, is required to be reported under Section 11209, the statement shall contain:

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(A) A statement of the nature of the investment or interest;

(B) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(C) The address or other precise location of the real property; and

(D) A statement as to whether the fair market value of the investment, or interest in real property, exceeds ten thousand dollars (\$10,000), and whether it exceeds one hundred thousand dollars (\$100,000).

(E) The information required by this Section need not be provided with respect to an interest in real property which is used as the principal residence of the filer.

(2) Contents of Personal Income Reports. When personal income is required to be reported under Section 11209, the statement shall contain:

(A) The name and address of each source of income aggregating two hundred and fifty dollars (\$250) or more in value, or twenty-five dollars (\$25) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

(B) A statement as to whether the aggregate value of income from each source was greater than one thousand dollars (\$1,000), and whether it was greater than ten thousand dollars (\$10,000);

(C) A description of the consideration, if any, for which the income was received; and

(D) In the case of a gift, the name and address of the donor and the amount and the date on which the gift was received.

(3) Contents of Business Entity Income Reports. When income of a business entity, including income of a sole proprietorship, is required to be reported under Section 11209, the statement shall contain:

(A) The name, address, and a general description of the business activity of the business entity;

(B) In the case of a business entity which provides legal or brokerage services, the name of every person who paid fees to the business entity if the filer's pro rata share of fees from such person was equal to or greater than one thousand dollars (\$1,000); and

(C) In the case of a business entity not covered by subparagraph (B), the name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.

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(1) A statement of the nature of the business is required.

The form of the business plan is not fixed and may be adapted to the needs of the business. It should be prepared in a clear and concise manner.

(2) The business plan should be prepared in a clear and concise manner.

(3) The business plan should be prepared in a clear and concise manner. It should be prepared in a clear and concise manner.

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(13) The business plan should be prepared in a clear and concise manner. It should be prepared in a clear and concise manner.

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(4) Contents of Management Position Reports. When management positions are required to be reported, designated employees shall list the name of each business entity not otherwise disclosed under subsection (a)(3) of this Section in which he is a director, officer, partner, trustee, employee, or in which he holds any position of management.

(b) Contents of Initial Statements. The initial statement filed by a person appointed, promoted, or transferred to a designated position shall disclose any reportable investments, interests in real property, and management positions.

(c) Contents of Annual Statements. The annual statement filed by a designated employee shall disclose any reportable investments, interests in real property, management positions, and income during the period since the previous statement was filed.

(d) Contents of Leaving Office Statements. The leaving office statement filed by designated employees shall disclose reportable investments, interests in real property, management positions, and income during the period since the closing date of the previous statement filed pursuant to this Code. The statement shall include any investments in business entities, interests in real property, management positions and income held or received at any time during the period covered by the statement, whether or not they are still held or are being received at the time of filing.

(e) Acquisition or Disposal During Reporting Period. In the case of a statement filed under subsection (c) or (d) of this Section, if the investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall also disclose the date of acquisition or disposal.

11205. Disqualification. Designated employees must disqualify themselves from making or participating in the making of any decision which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on any financial interest of that employee (except sources of gifts less than \$250). No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made.

11206. Manner of Disqualification. (a) A designated employee required to disqualify himself or herself shall notify his or her supervisor in writing. This notice shall be forwarded to the Executive Director, who shall record the employee's disqualification. Upon receipt of such statement, the supervisor shall immediately reassign the matter to another employee.

(b) In the case of a designated employee who is a member of the Commission or a member of the Engineering Criteria Review Board or Design Review Board, notice of disqualification shall be given at any meeting during which consideration of the decision takes place and shall be made part of the

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official record of the Commission. The member shall then refrain from participating and shall attempt in no way to use his or her official position to influence any other person with respect to the matter.

11207. Definition of Terms. (a) Except as otherwise provided in subsection (b), the definitions contained in the Political Reform Act of 1974 (Government Code Section 81000 et seq.), the Regulations of the Fair Political Practices Commission, and any amendments to the Act or Regulations, are incorporated into this Conflict of Interest Code.

(b) "Commission jurisdiction" as used in this Code means the areas defined by Government Code Section 66610 and Fish and Game Code Sections 1864, 1865, and 1866.

11208. Designated Position Categories.

<u>Designated Positions</u>	<u>Category</u>
Chairman, all Commissioners and Alternates; the Executive Director and all staff except those in the following Civil Service categories: Senior Stenographer, Stenographer, Senior Legal Secretary, Clerk Typist II and the Assistant Executive Director for Administration. Also excepted are Graduate Assistants, Work-Study Students, and members of the Citizens Advisory Committee.	A
All members of the Engineering Criteria Review Board and the Design Review Board.	A
Consultants and Special Project Employees.	B

11209. Disclosure Categories (Reportable Interests). (a) Category A. Persons in this category must report all investments, interests in real property, income, and any management position with any business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management, subject to the following limitations:

(1) Income, other than a gift, is reportable only if it is received from a source within the Commission's jurisdiction, or if that source is doing business within the Commission's jurisdiction, planning to do business within the Commission's jurisdiction, or has done business within the Commission's jurisdiction during the two (2) years prior to the time any statement is required under this Code.

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(2) An interest in real property is reportable only if the property, or any part of it, is located within or not more than two (2) miles outside the boundaries of the Commission's jurisdiction.

(3) Investments are reportable only if the business entity has an interest in real property in the Commission's jurisdiction, or does business, or plans to do business in the Commission's jurisdiction at any time during the two (2) years prior to the time any statement is required under this Code.

(4) Business entities are reportable for purposes of management position disclosure, only if the business entity is doing business, or plans to do business within the Commission's jurisdiction, or has done business within the Commission's jurisdiction at any time during the two (2) years prior to the time any statement is required under this Code.

(b) Category B. Persons in this category (consultants and special project employees) shall have the extent of their reportable economic interests and the filing requirements related thereto determined by the Commission on a case-by-case basis at public hearing prior to their employment. A record of the proceedings in all such determinations shall be kept on file in the office of the Commission for seven (7) years.

Disclaimer

These regulations will result in no cost to local government for which the State would be responsible under the provisions of Section 2231 of the Revenue and Taxation Code.

The Commission requests that this Code not be published in Title 14 of the California Administrative Code, but that an appropriate reference to the Code be published in Title 14 where Chapter 11 of Division 5 would otherwise appear.

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